

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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**YNES M. GONZALEZ DE FUENTE, MARIYA
KOBRYN, AND IVAN KOBRYN, individually
and on behalf of all others similarly situated,**

18-CV-6749 (AMD) (PK)

**Plaintiffs,
-against-**

**DECLARATION OF
THOMAS A. MARTIN**

**PREFERRED HOME CARE OF NEW YORK
LLC, EDICSON HOME HEALTH CARE,
HEALTHCAP ASSURANCE , INC., BERRY
WEISS, SAMUEL WEISS, DOES 1-15, Inclusive,**

Defendants.

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Thomas A. Martin, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury that the foregoing is true and correct.

1. I am a member of the firm Putney, Twombly, Hall & Hirson LLP and I am an attorney duly admitted to practice law before this Court. I submit this Declaration on behalf of Defendant HealthCap Assurance, Inc. (“HealthCap”), in support of its motion to dismiss the Class Action Complaint (“Complaint”) of Plaintiffs Ynes M. Gonzalez De Fuente, Mariya Kobryn and Ivan Kobryn (collectively “Plaintiffs”) pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure.

2. On November 27, 2018, Plaintiffs commenced this action in the United States District Court, Eastern District of New York, against Preferred Home Care of New York LLC, Edison Home Health Care, and HealthCap (collectively “Defendants”). Annexed hereto as **Exhibit “A”** is a true and correct copy of the Complaint.

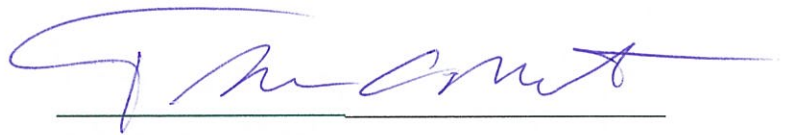
3. By letter dated February 14, 2019, Defendant HealthCap requested a pre-motion conference to obtain permission to file a motion to dismiss the Complaint in its entirety, and requested that the Court set a briefing schedule on HealthCap’s motion to dismiss. [Dkt No. 24]

4. On February 15, 2019, the Court granted HealthCap's request for a pre-motion conference.

5. By letter dated February 21, 2019, Plaintiffs responded to HealthCap's pre-motion conference letter. [Dkt No. 30]

6. On February 26, 2019, the Court granted Defendants permission to move to dismiss the Complaint.

Dated: New York, New York
April 3, 2019



THOMAS A. MARTIN